

500.130 Operation of unmanned aircraft system -- Citizens' Freedom from Unwarranted Surveillance Act.

- (1) Except for unmanned aircraft systems operated by the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or by the Army National Guard or Air National Guard, unmanned aircraft systems may not be equipped with a lethal payload.
- (2) Any business entity doing business lawfully within this state may use an unmanned aircraft system for business purposes, in compliance with 14 C.F.R. pt. 107.
- (3) Any recreational user may operate an unmanned aircraft system within this state, in compliance with 14 C.F.R. pt. 101.
- (4) Any institution of higher education, or school district, may use an unmanned aircraft system for educational, research, or testing purposes.
- (5) No law enforcement agency, or agent thereof, shall use an unmanned aircraft system to conduct a search unless authorized under the Fourth Amendment to the United States Constitution and Section 10 of the Kentucky Constitution. If the search is conducted pursuant to a warrant, the warrant shall specifically authorize the use of an unmanned aircraft system.
- (6) Except as limited by subsection (5) of this section, any government agency, including a law enforcement agency, may use an unmanned aircraft system for legitimate governmental purposes.
- (7) When an unmanned aircraft system is used by law enforcement pursuant to subsections (5) and (6) of this section, it shall be operated in a lawful manner and shall minimize data collection on nonsuspects. Disclosure of such data shall be prohibited except by order of a court of competent jurisdiction.
- (8) No evidence obtained or collected as the result of the use of an unmanned aircraft system shall be admissible as evidence in any civil, criminal, or administrative proceeding within this state for the purpose of enforcing state or local law, except for:
 - (a) Evidence collected as permitted by subsections (2) to (6) of this section; or
 - (b) Evidence which is offered against the owner or operator of an unmanned aircraft system to show misconduct.
- (9) No law enforcement agency shall be required to operate unmanned aircraft systems.
- (10) Operation of an unmanned aircraft system in violation of subsection (2) or (3) of this section shall be a violation for the first offense and a Class B misdemeanor for the second or subsequent offense.
- (11) This section may be cited as the "Citizens' Freedom from Unwarranted Surveillance Act."

Effective: July 14, 2018

History: Created 2018 Ky. Acts ch. 26, sec. 1, effective July 14, 2018.